

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASIA WILLIS, JAMAAL
WILLIS, AQUEELAH WILLIS, and ARTESHIA
WILLIS, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMIN SALAAM,

Respondent-Appellant,

and

ALIZA WILLIS,

Respondent.

In the Matter of ASIA WILLIS, JAMAAL
WILLIS, AQUEELAH WILLIS, and ARTESHIA
WILLIS, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALIZA WILLIS,

Respondent-Appellant,

and

AMIN SALAAM,

UNPUBLISHED
April 12, 2007

No. 271594
Wayne Circuit Court
Family Division
LC No. 03-419522-NA

No. 271595
Oakland Circuit Court
Family Division
LC No. 03-419522-NA

Respondent.

Before: Wilder, P.J., and Sawyer and Davis, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the termination of their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). Respondent-father's parental rights were also terminated pursuant to MCL 712A.19b(3)(c)(ii).¹ We affirm.

In order to terminate parental rights, the trial court must find at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). We review the trial court's decision for clear error. *Id.* at 356-357; MCR 3.977(J). In this case, the initial petition focused on respondent-mother's lack of housing, substance abuse, and failure to provide for the children's educational and other needs. It also mentioned a history of domestic violence between respondents. By the time of the termination trial, which occurred nearly three years after the adjudication and initial disposition, respondent-father continued to commit domestic violence against respondent-mother, and had also scared the children and stalked a Department of Human Services foster care worker. He had also failed to participate in domestic violence counseling despite having been referred three times. Meanwhile, respondent-mother had successfully completed two substance abuse treatment programs and, at one point, successfully secured her own housing. However, respondent-mother admitted relapsing in October 2004 and again in February 2005. By the time of the termination trial, she was not providing random drug screens, lacked housing, and was still in contact with respondent-father. (There was no evidence presented at the termination trial that supported respondent-mother's claim on appeal to have severed her ties with respondent-father.) Given this evidence, termination of both respondents' parental rights was proper under MCL 712A.19b(3)(c)(i).

Termination was also proper under MCL 712A.19b(3)(c)(ii) with respect to respondent-father since the trial court had ordered him in November 2005 to submit random drug screens after concern developed that respondent-father had a substance abuse problem. However, respondent-father had provided only two screens since that order and had also refused to provide screens when requested to do so at one court hearing and at the Clinic for Child Study.

Next, termination of both respondents' parental rights was warranted under MCL 712A.19b(3)(g) since neither respondent had managed their substance abuse problem or documented a legal source of income. Respondent-father also had apparently not benefited from parenting classes because he continued to scare the children with his subsequent domestic violence, and respondent-mother also lacked housing and had failed to visit the children for six

¹ The trial court cited subsection 19b(3)(c)(ii) in its April 10, 2006 written opinion but not its bench opinion.

months during 2005. By the time of the termination trial, the children ranged in ages from eight to twelve years old and had unsuccessfully waited three years for respondents to improve their parenting skills.

The trial court also did not clearly err in basing termination upon MCL 712A.19b(3)(j) since respondent-father's violent behavior was still untreated. In addition, respondent-father had not shown that there was no reason for concern about substance abuse. Respondent-mother's continued association with respondent-father placed the children in danger, as did respondent-mother's ongoing substance addictions and lack of suitable housing.

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). In this case, evidence from the whole record showed that the trial court did not clearly err in its best interests determination. The children were happy to visit with respondent-father, but one of them reported "always" being afraid of him. In addition, neither respondent showed an ability to provide for the children's basic needs. It was the sad truth that, as long as respondents were controlled by their substance abuse and domestic violence issues, they could not provide the stability and care that the children required.

Affirmed.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Alton T. Davis